

Remarks

Reconsideration of this application is respectfully requested.

Claims 1,3-25 and 27-38 again are presented for examination. Claims 2, 14 and 26 have been canceled with out prejudice. Claims 1 and 25 have been amended to recite that the persulfate is a dipersulfate. Support for these amendments is present at page 6 of applicants' specification. Claims 20, 23, 34 and 37 have been broadened. Claim 22 has been amended to recite the chemical symbol for iron. This amendment to claim 22 is tangential to patentability, as is the amendment to claim 36. No new matter is presented. New claims 39-41 directed to the preferred trivalent transition metal activator of applicant's invention are presented.

Claims 1-9, 15-20 and 24-34 have been rejected under 35 USC 102(e) as anticipated by US Pat. 6,569,353 (Giletto et al.).

Giletto et al. fails to teach use of the claimed dipersulfates or the specific environmental media. Giletto et al. also fails to teach that the monopersulfates required by Giletto et al. are equivalent to the claimed dipersulfates.

Giletto et al. therefore fails to teach each and every aspect of any of claims 1-9, 15-20, 24-34 or 41-46. Giletto et al. therefore fails to anticipate any of claims 1-9, 15-20, 24-34 or 41-46.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 10-13 have been rejected under 35 USC 103 as unpatentable over Giletto et al.

Giletto et al. teaches treating a surface contaminated with a chemical or biological warfare agent with a gel composition that includes a monopersulfate, such as potassium monopersulfate, sodium monopersulfate, and ammonium monopersulfate and any of organic peroxides, alkali metal peroxides, alkaline earth metal peroxides, preferably hydrogen peroxide.

Giletto et al., however, fails to teach that any of the claimed dipersulfates may be used as an oxidant in combination with the claimed hydrogen peroxide or that such a combination would be effective in treating an environmental medium as defined in amended claims 1 and 25. Indeed, Giletto et al. is silent as to use of the claimed dipersulfates with hydrogen peroxide.

Giletto et al., moreover, fails to teach or suggest that the claimed dipersulfates are equivalent to the monopersulfates required by Giletto et al. In addition, the Examiner has not provided any factual evidence which shows that the claimed dipersulfates are equivalent to the monopersulfates required by Giletto et al. One of ordinary skill therefore would not ignore the requirement of Giletto et al. to utilize monopersulfates by replacing them with the claimed dipersulfates in an attempt to achieve any of claims 10-13. Also, Giletto et al. fails to teach or suggest the claimed sequences of application of the claimed dipersulfates and hydrogen peroxide to an environmental medium as described in amended claim 1. One of ordinary skill therefore would not be motivated by Giletto et al. to apply the claimed dipersulfates and hydrogen peroxide either sequentially or simultaneously to an environmental medium in an attempt to achieve any of claims 10-13.

In view of the forgoing, applicants respectfully submit that Giletto et al. fails to teach or suggest any of claims 10-13. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 14 has been rejected under 35 USC 103 as unpatentable over Giletto et al. in view of JP2001-207224. Claim 14 has been cancelled and the limitation of this claim has been inserted into amended claims 1 and 25. However, the following should be noted:

The examiner, admitting that Giletto et al. fails to teach or suggest claim 14, cites JP2001-207224. Combining JP2001-207224 with Giletto et al., however, also fails to teach or suggest claim 14.

The examiner asserts that JP2001-207224 teaches that chemical weapons contaminate soil, and that it would be obvious to apply Giletto et al. to soils in view of JP2001-207224 to achieve claim 14.

JP2001-207224, however, suffers the same defects as Giletto et al. Specifically, JP2001-207224 is silent as to when the claimed dipersulfates may be employed with hydrogen peroxide, as well as application of the claimed dipersulfates together with hydrogen peroxide to an environmental medium. Moreover, nothing in either JP2001-207224 or Giletto et al. teaches or suggests that the claimed dipersulfates are equivalent to the monopersulfates required by Giletto et al.

A person of ordinary skill, given JP2001-207224's silence as to the claimed dipersulfates therefore would not be motivated to combine JP2001-207224 with Giletto et al. in an attempt to

achieve claim 14. Assuming *arguendo*, however, that a person of ordinary skill combined JP2001-207224 with Giletto et al. as suggested in the office action, then that person would fail to achieve claim 14. Combining JP2001-207224 with Giletto et al. would yield a process wherein monopersulfates are employed as contrasted to the claimed dipersulfates.

In view of the forgoing, applicants respectfully submit that claim 14 is neither taught nor suggest by JP2001-207224 or Giletto et al., taken alone or in combination. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 21-24 and 35-38 have been rejected under 35 USC 103 as unpatentable over Giletto et al. in view of US Pat. 6,160,194 (Pignatello).

The examiner, admitting that Giletto et al. fails to teach or suggest any of claims 21-24 or 35-38, cites Pignatello. Combining Pignatello with Giletto et al., however, also fails to teach or suggest any of claims 21-24 or 35-38.

The examiner asserts that Pignatello teaches use of chelated metals for decontamination of soils, and that it would be obvious to employ the chelated metals of Pignatello in Giletto et al. to achieve each of claims 21-24 and 35-38.

Pignatello suffers the same defects as Giletto et al. Specifically, Pignatello is silent as to the claimed dipersulfates. Pignatello also is silent as to application of the claimed dipersulfates with hydrogen peroxide to an environmental medium such as soil and rock. Pignatello, moreover, fails to teach or suggest that the claimed dipersulfates are equivalent to the monopersulfates required by Giletto et al., or that the claimed dipersulfates may be substituted for the monopersulfates required by Giletto et al.

A person of ordinary skill, given Pignatello's silence regarding the claimed dipersulfates as well as Pignatello's failure to teach or suggest that the claimed dipersulfates may be substituted for the monopersulfates required by Giletto et al., therefore would not be motivated to combine Pignatello with Giletto et al. in an attempt to achieve any of claims 21-24 and 35-38.

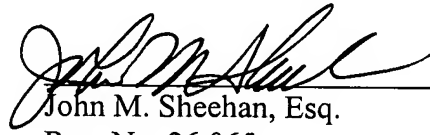
Assuming *arguendo*, however, that a person of ordinary skill combined Pignatello with Giletto et al. as suggested in the office action, then that person would fail to achieve any of claims 21-24 and 35-38. Combining Pignatello with Giletto et al. would yield a process that employs monopersulfates as contrasted to claims 21-24 and 35-38 where dipersulfates are claimed.

In view of the forgoing, applicants respectfully submit that none of claims 21-24 and 35-38 is taught or suggest by Pignatello or Giletto et al., taken alone or in combination.

Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the forgoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Such action is respectfully solicited.

Respectfully submitted,


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